

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDELMIRO PEREZ-GARCIA, JR.,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

NO. 18-3783

ORDER

AND NOW, this 13th day of January, 2021, upon consideration of the Motion for Partial Summary Judgment filed by Defendant (Dkt. No. 41), the Plaintiff's Response (Dkt. No. 42), Defendant's Reply (Dkt. No. 59) and Plaintiff's Sur-Reply (Dkt. No. 60), and for the reasons set forth in the accompanying Memorandum,

IT IS ORDERED that Defendant's Motion is **GRANTED** and Count II of Plaintiff's Complaint is **DISMISSED**.

BY THE COURT:

/s/ Henry S. Perkin
HENRY S. PERKIN
United States Magistrate Judge